

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Civil Action No. 3:21-cv-330**

DEMEATA O. WATSON ROBINSON,

Plaintiff,

vs.

DRIVEN BRANDS SHARED SERVICES, LLC
AND TALENTBRIDGE, INC.,

Defendants.

**DEFENDANT EMPLOYEE
RELATIONS ASSOCIATES, INC.
D/B/A TALENTBRIDGE'S 12 (b)(6)
MOTION TO DISMISS**

Defendant Employee Relations Associates, Inc. d/b/a TalentBridge (“Defendant”), through counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby moves the Court for a dismissal of all of Plaintiff’s claims in her Complaint, specifically as to the First Claim for Relief alleging unlawful racial discrimination and hostile work environment on the basis of race under 42 U.S.C. § 1981; the Second Claim for Relief alleging unlawful retaliation on the basis of race under 42 U.S.C. § 1981; the Third Claim for Relief alleging negligence, negligent hiring, supervision, and retention; and the Fourth Claim for Relief alleging intentional infliction of emotional distress, on the grounds that, *inter alia*, Plaintiff’s Complaint impermissibly relies on unsubstantiated conclusory allegations that fail to meet the minimum standards of plausibility established by *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S. Ct. 1955 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S. Ct. 1937 (2009). Defendant further contends that Plaintiff’s Complaint lacks any factual allegations regarding conduct by Defendant or its employees or managers that would give rise to Plaintiff’s claims.

In support of Defendant's motion to dismiss, Defendant has filed a Brief contemporaneously herewith.

This the 16th day of July, 2021.

JOHNSTON, ALLISON & HORD, P.A.

s/David E. Stevens

David E. Stevens, NC State Bar #54706

s/Mary Fletcher K. Mullikin

Mary Fletcher K. Mullikin, NC State Bar #47864

dstevens@jahlaw.com; mmullikin@jahlaw.com

1065 East Morehead Street

Charlotte, NC 28204

Telephone: (704) 332-1181

Facsimile: (704) 376-1628

Attorneys for Defendant TalentBridge, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the **DEFENDANT EMPLOYEE RELATIONS ASSOCIATES, INC. d/b/a TALENTBRIDGE'S MOTION TO DISMISS PURSUANT TO RULE 12(b)(6)** was electronically filed with the Clerk of Court using the CM/ECF system and sent by U.S. mail to:

Alesha S. Brown
Justice in Action Law Center
521 Briar Creek Road
Charlotte, NC 28205
Attorney for Plaintiff

Driven Brands Shared Services, LLC
c/o Josiah Garton, Esq.
440 South Church St., Suite 700
Charlotte, NC 28202
*Attorney for Defendant Driven Brands Shared
Services, LLC*

Respectfully submitted, this 16th day of July, 2021.

JOHNSTON, ALLISON & HORD, P.A.

s/David E. Stevens
David E. Stevens, NC State Bar #54706

s/Mary Fletcher K. Mullikin
Mary Fletcher K. Mullikin, NC State Bar #47864
dstevens@jahlaw.com; mmullikin@jahlaw.com
1065 East Morehead Street
Charlotte, NC 28204
Telephone: (704) 332-1181
Facsimile: (704) 376-1628
Attorneys for Defendant TalentBridge, Inc.